

EHB 2140 - S COMM AMD
By Committee on Agriculture

ADOPTED AS AMENDED 4/09/03

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires otherwise.

5 (1) "Commission" means the Washington state conservation commission
6 created in section 2 of this act.

7 (2) "District" or "conservation district" means a governmental
8 subdivision of this state created according to chapter 89.08 RCW.

9 (3) "Board" and "supervisors" mean the board of supervisors of a
10 conservation district.

11 (4) "Land occupier" or "occupier of land" has the same meaning as
12 in RCW 89.08.020.

13 (5) "District elector" or "voter" has the same meaning as in RCW
14 89.08.020.

15 (6) "Renewable natural resources," "natural resources," or
16 "resources" has the same meaning as in RCW 89.08.020.

17 (7) "Conservation" has the same meaning as in RCW 89.08.020.

18 (8) "Farm and agricultural land" has the same meaning as in RCW
19 89.08.020.

20 **Sec. 2.** RCW 89.08.030 and 1987 c 180 s 1 are each amended to read
21 as follows:

22 (1) There is hereby established to serve as an agency of the state
23 ~~((and))~~ the state conservation commission. The commission is
24 authorized to perform the functions conferred upon it by law~~((τ))~~. The
25 ~~((state conservation))~~ commission~~((τ-which))~~ shall succeed to all
26 powers, duties, and property of the state soil and water conservation
27 committee.

28 (2) The commission shall consist of ~~((ten))~~ twelve members~~((τ))~~:

1 (a) Five of ((whom)) the members are the ex officio members
2 specified in subsection (5) of this section.

3 (b) Two members shall be appointed by the governor((7)). At least
4 one of ((whom)) the appointed members shall be a landowner or operator
5 of a farm. The appointed members shall serve for a term of four years.

6 (c) Three members shall be elected as provided in subsection (3) of
7 this section. At least two of the three elected members shall be
8 landowners or operators of a farm ((and shall be elected as herein
9 provided. The appointed members shall serve for a term of four
10 years)).

11 (d) One member shall be appointed by a statewide livestock trade
12 organization, such as cattle, dairy, or poultry, and confirmed by the
13 conservation district supervisors at their annual statewide meeting.
14 This member shall serve for a term of four years.

15 (e) One member shall be a crop producer appointed by a statewide
16 organization representing the interests of a wide range of farming
17 operations and confirmed by the conservation district supervisors at
18 their annual statewide meeting. This member shall serve for a term of
19 four years.

20 (3) The three elected members identified in subsection (2)(c) of
21 this section shall be elected for three-year terms, with one ((shall
22 be)) elected each year by the district supervisors at their annual
23 statewide meeting. One of the members shall reside in eastern
24 Washington, one in central Washington and one in western Washington,
25 with the specific boundaries to be determined by district supervisors.
26 ((At the first such election, the term of the member from western
27 Washington shall be one year, central Washington two years and eastern
28 Washington three years, and successors shall be elected for three
29 years.))

30 (4) Unexpired term vacancies in the office of appointed commission
31 members shall be filled by appointment by the governor in the same
32 manner as full-term appointments. Unexpired terms of elected
33 commission members shall be filled by the regional vice president of
34 the Washington association of conservation districts who is serving
35 that part of the state where the vacancy occurs, ((such)) for a term to
36 continue only until district supervisors can fill the unexpired term by
37 electing the commission member.

1 (5) The director of the department of ecology, the director of the
2 department of agriculture, the commissioner of public lands, the
3 president of the Washington association of conservation districts, and
4 the dean of the college of agriculture at Washington State University
5 shall be ex officio members of the commission. An ex officio member of
6 the commission shall hold office so long as he or she retains the
7 office by virtue of which he or she is a member of the commission. Ex
8 officio members may delegate their authority.

9 (6) The commission may invite appropriate officers of cooperating
10 organizations(~~(7)~~) and state and federal agencies to serve as advisers
11 to the conservation commission.

12 **Sec. 3.** RCW 89.08.040 and 1984 c 287 s 112 are each amended to
13 read as follows:

14 (1) Members of the commission shall be compensated in accordance
15 with RCW 43.03.240 and shall be entitled to travel expenses in
16 accordance with RCW 43.03.050 and 43.03.060 incurred in the discharge
17 of their duties.

18 (2) The commission shall keep a record of its official actions,
19 shall adopt a seal, which shall be judicially noticed, and may perform
20 such acts, hold such public hearings, and promulgate such rules and
21 regulations as may be necessary for the execution of its functions
22 under this chapter (~~(184, Laws of 1973 1st ex. sess)~~) and chapter 89.08
23 RCW.

24 (3) The (~~state department of ecology~~) office of financial
25 management is empowered to pay the travel expenses of the elected and
26 appointed members of the (~~state conservation~~) commission, and the
27 salaries, wages and other expenses of such administrative officers or
28 other employees as may be required under the provisions of this
29 chapter.

30 **Sec. 4.** RCW 89.08.050 and 1973 1st ex.s. c 184 s 6 are each
31 amended to read as follows:

32 (1) The commission may employ an administrative officer(~~(7)~~) and
33 such temporary or permanent technical experts and (~~such~~) other agents
34 and employees(~~(7, permanent and temporary)~~) as it may require(~~(7 and)~~).
35 The commission shall determine (~~their~~) the qualifications, duties,

1 and compensation of its administrative officer, technical experts,
2 agents, and employees. The commission may call upon the attorney
3 general for ~~((such))~~ legal services as it may require.

4 ~~((It))~~ (2) The commission shall have authority to delegate to its
5 chairman, to one or more of its members, to one or more agents or
6 employees such duties and powers as it deems proper. ~~((It))~~

7 (3) The commission shall be supplied with suitable office
8 accommodations at the central office of the department of ecology, and
9 shall be furnished the necessary supplies and equipment.

10 (4) The commission shall organize annually and select a chairman
11 from among its members, who shall serve for one year from the date of
12 his or her selection.

13 (5) A majority of the commission shall constitute a quorum ~~((and))~~.
14 All actions of the commission shall be by a majority vote of the
15 members present and voting at a meeting at which a quorum is present.

16 **Sec. 5.** RCW 89.08.060 and 1973 1st ex.s. c 184 s 7 are each
17 amended to read as follows:

18 Upon request of the commission, for the purpose of carrying out any
19 of ~~((its))~~ the commission's functions, the supervising officer of any
20 state agency or state institution of learning may, insofar as may be
21 possible under available appropriations and having due regard to the
22 needs of the agency to which the request is directed, assign or detail
23 to the commission, members of the staff or personnel of such agency or
24 institution of learning, and make such special reports, surveys, or
25 studies as the commission may request.

26 **Sec. 6.** RCW 89.08.070 and 1973 1st ex.s. c 184 s 8 are each
27 amended to read as follows:

28 ~~((In addition to the duties and powers hereinafter conferred upon))~~
29 The commission~~((, it))~~ shall have the ~~((following duties and powers))~~
30 duty and power to:

31 (1) ~~((To))~~ Offer such assistance as may be appropriate to the
32 supervisors of conservation districts ~~((organized under the provisions~~
33 ~~of chapter 184, Laws of 1973 1st ex. sess., in the carrying))~~ to carry
34 out ~~((of))~~ any of their powers and programs~~((+))~~;

1 ~~((a) to)~~ (2) Assist and guide districts in the preparation and
2 carrying out of programs for resource conservation authorized under
3 chapter ~~((184, Laws of 1973 1st ex. sess.))~~ 89.08 RCW;
4 ~~((b) to)~~ (3) Review district programs;
5 ~~((c) to)~~ (4) Coordinate the programs of the several districts and
6 resolve any conflicts in such programs;
7 ~~((d) to)~~ (5) Facilitate, promote, assist, harmonize, coordinate,
8 and guide the resource conservation programs and activities of
9 districts as they relate to other special purpose districts, counties,
10 and other public agencies~~((-))~~;
11 ~~((2) To)~~ (6) Keep the supervisors of each of the several
12 conservation districts ~~((organized under the provisions of chapter 184,~~
13 ~~Laws of 1973 1st ex. sess.))~~ informed of the activities and experience
14 of all other districts ~~((organized hereunder))~~, and ~~((to))~~ facilitate
15 an interchange of advice and experience ~~((between such))~~ among
16 districts and cooperation ~~((between))~~ among them~~((-))~~;
17 ~~((3) To)~~ (7) Review agreements, or forms of agreements, proposed
18 to be entered into by districts with other districts or with any state,
19 federal, interstate, or other public or private agency, organization,
20 or individual, and advise the districts concerning such agreements or
21 forms of agreements~~((-))~~;
22 ~~((4) To)~~ (8) Secure the cooperation and assistance of the United
23 States and any of its agencies, and of agencies of this state in the
24 work of such districts~~((-))~~;
25 ~~((5) To)~~ (9) Recommend the inclusion in annual and longer term
26 budgets and appropriation legislation of the state of Washington of
27 funds necessary for appropriation by the legislature to finance the
28 activities of the commission and the conservation districts; ~~((to))~~
29 administer the provisions of any law ~~((hereinafter))~~ enacted by the
30 legislature appropriating funds for expenditure in connection with the
31 activities of conservation districts; ~~((to))~~ distribute to conservation
32 districts funds, equipment, supplies and services received by the
33 commission for that purpose from any source, subject to ~~((such))~~ any
34 applicable conditions ~~((as shall be made applicable thereto))~~ in any
35 state or federal statute or local ordinance making available such
36 funds, property or services; ~~((to))~~ issue regulations establishing
37 guidelines and suitable controls to govern the use by conservation

1 districts of such funds, property and services; and ~~((tø))~~ review all
2 budgets, administrative procedures and operations of such districts and
3 advise the districts concerning their conformance with applicable laws
4 and regulations~~((τ))~~;

5 ~~((+6) Tø))~~ (10) Encourage the cooperation and collaboration of
6 state, federal, regional, interstate and local public and private
7 agencies with the conservation districts~~((τ))~~ and facilitate
8 arrangements under which the conservation districts may serve county
9 governing bodies and other agencies as their local operating agencies
10 in the administration of any activity concerned with the conservation
11 of renewable natural resources~~((τ))~~;

12 ~~((+7) Tø))~~ (11) Disseminate information throughout the state
13 concerning the activities and programs of the conservation districts
14 ~~((organized hereunder, and tø))~~; encourage the formation of such
15 districts in areas ~~((where))~~ in which their organization is desirable;
16 ~~((tø))~~ and make available information concerning the needs and the work
17 of the conservation districts and the commission to the governor, the
18 legislature, executive agencies of the government of this state,
19 political subdivisions of this state, cooperating federal agencies, and
20 the general public~~((τ))~~;

21 ~~((+8))~~ (12) Receive, pursuant to procedures developed mutually by
22 the commission and other state and local agencies ~~((that are))~~
23 authorized to plan or administer activities significantly affecting the
24 conservation of renewable natural resources, ~~((tø receive))~~ from such
25 agencies for review and comment suitable descriptions of their plans,
26 programs and activities for purposes of coordination with district
27 conservation programs; ~~((tø))~~ and arrange for and participate in
28 conferences necessary to avoid conflict among such plans and programs,
29 to call attention to omissions, and to avoid duplication of
30 effort~~((τ))~~;

31 ~~((+9) Tø))~~ (13) Compile information and make studies, summaries and
32 analysis of district programs in relation to each other and to other
33 resource conservation programs on a statewide basis~~((τ))~~;

34 ~~((+10) Tø))~~ (14) Assist conservation districts in obtaining legal
35 services from state and local legal officers~~((τ))~~;

36 ~~((+11) Tø))~~ (15) Require annual reports from conservation

1 districts, the form and content of which shall be developed by the
2 commission(~~(-)~~); and

3 ~~((12) To))~~ (16) Establish by regulations, with the assistance and
4 advice of the state auditor's office, adequate and reasonably uniform
5 accounting and auditing procedures (~~(which shall)~~) that must be used by
6 conservation districts.

7 **Sec. 7.** RCW 89.08.450 and 1995 c 378 s 1 are each amended to read
8 as follows:

9 The legislature declares that it is the goal of the state of
10 Washington to preserve and restore the natural resources of the state
11 and, in particular, fish and wildlife and their habitat. It is further
12 the policy of the state insofar as possible to utilize the commission
13 and conservation districts in these efforts and the volunteer
14 organizations who have demonstrated their commitment to these goals.

15 To this end, it is the intent of the legislature to minimize the
16 expense and delays caused by unnecessary bureaucratic process in
17 securing permits for projects that preserve or restore native fish and
18 wildlife habitat.

19 **Sec. 8.** RCW 89.08.460 and 1995 c 378 s 2 are each amended to read
20 as follows:

21 The definitions in this section apply throughout RCW 89.08.460
22 through 89.08.510 (as recodified by this act) unless the context
23 clearly requires otherwise(~~(, the definitions in this section shall~~
24 apply throughout RCW 89.08.450 through 89.08.510)).

25 (1) "Watershed restoration plan" means a plan, developed or
26 sponsored by the department of fish and wildlife, the department of
27 ecology, the department of natural resources, the department of
28 transportation, a federally recognized Indian tribe acting within and
29 pursuant to its authority, a city, a county, or a conservation
30 district, that provides a general program and implementation measures
31 or actions for the preservation, restoration, re-creation, or
32 enhancement of the natural resources, character, and ecology of a
33 stream, stream segment, drainage area, or watershed, and for which
34 agency and public review has been conducted pursuant to chapter 43.21C
35 RCW, the state environmental policy act. If the implementation

1 measures or actions would have a probable significant, adverse
2 environmental impact, a detailed statement under RCW 43.21C.031 must be
3 prepared on the plan.

4 (2) "Watershed restoration project" means a public or private
5 project authorized by the sponsor of a watershed restoration plan that
6 implements the plan or a part of the plan and consists of one or more
7 of the following activities:

8 (a) A project that involves (~~less~~) fewer than ten miles of
9 streamreach, in which (~~less~~) fewer than twenty-five cubic yards of
10 sand, gravel, or soil is removed, imported, disturbed, or discharged,
11 and in which no existing vegetation is removed except as minimally
12 necessary to facilitate additional plantings;

13 (b) A project for the restoration of an eroded or unstable stream
14 bank that employs the principles of bioengineering, including limited
15 use of rock as a stabilization only at the toe of the bank, and with
16 primary emphasis on using native vegetation to control the erosive
17 forces of flowing water; or

18 (c) A project primarily designed to improve fish and wildlife
19 habitat, remove or reduce impediments to migration of fish, or enhance
20 the fishery resource available for use by all of the citizens of the
21 state, provided that any structure other than a bridge or culvert or
22 instream habitat enhancement structure associated with the project is
23 (~~less~~) fewer than two hundred square feet in floor area and is
24 located above the ordinary high water mark of the stream.

25 **Sec. 9.** RCW 89.08.470 and 1998 c 249 s 13 are each amended to read
26 as follows:

27 (1) (~~By January 1, 1996,~~) The (~~Washington conservation~~)
28 commission shall develop, in consultation with other state agencies,
29 tribes, and local governments, a consolidated application process for
30 permits for a watershed restoration project developed by an agency or
31 sponsored by an agency on behalf of a volunteer organization. The
32 consolidated process shall include a single permit application form for
33 use by all responsible state and local agencies. The commission shall
34 encourage use of the consolidated permit application process by any
35 federal agency responsible for issuance of related permits. The permit
36 application forms to be consolidated shall include, at a minimum,

1 applications for: (a) Approvals related to water quality standards
2 under chapter 90.48 RCW; (b) hydraulic project approvals under chapter
3 ((75.20)) 77.55 RCW; and (c) section 401 water quality certifications
4 under 33 U.S.C. Sec. 1341 and chapter 90.48 RCW.

5 (2) If a watershed restoration project is also a fish habitat
6 enhancement project that meets the criteria of RCW ((75.20.350))
7 77.55.290(1), the project sponsor shall instead follow the permit
8 review and approval process established in RCW ((75.20.350)) 77.55.290
9 with regard to state and local government permitting requirements. The
10 sponsor shall ((se)) notify state and local permitting authorities.

11 **Sec. 10.** RCW 89.08.480 and 1995 c 378 s 4 are each amended to read
12 as follows:

13 Each agency of the state and unit of local government that claims
14 jurisdiction or the right to require permits, other approvals, or fees
15 as a condition of allowing a watershed restoration project to proceed
16 shall:

17 (1) Designate an office or official as a designated recipient of
18 project applications; and ((shall))

19 (2) Inform the ((conservation)) commission of the designation.

20 **Sec. 11.** RCW 89.08.490 and 1995 c 378 s 5 are each amended to read
21 as follows:

22 All agencies of the state and local governments shall accept the
23 single application developed under RCW 89.08.470 (as recodified by this
24 act). Unless the procedures under RCW 89.08.500 (as recodified by this
25 act) are invoked, the application shall be processed without charge and
26 permit decisions shall be issued within forty-five days of the receipt
27 of a complete application.

28 **Sec. 12.** RCW 89.08.500 and 1995 c 378 s 6 are each amended to read
29 as follows:

30 The applicant or any state agency, tribe, or local government with
31 permit processing responsibility may request that the office of permit
32 assistance ((center)) created ((by chapter 347, Laws of 1995)) in
33 chapter 43.42 RCW appoint a project facilitator to develop in
34 consultation with the applicant and permit agencies a coordinated

1 process for permit decisions on the application. The process may
2 incorporate procedures for coordinating state permits under (~~chapter~~
3 ~~347, Laws of 1995~~) chapter 43.42 RCW. The (~~center~~) office shall
4 adopt a target of completing permit decisions within forty-five days of
5 receipt of a complete application.

6 (~~If House Bill No. 1724 is not enacted by June 30, 1995, this~~
7 ~~section shall be null and void.~~)

8 **Sec. 13.** RCW 89.08.510 and 1995 c 378 s 7 are each amended to read
9 as follows:

10 State agencies, tribes, and local governments responsible for
11 permits or other approvals of watershed restoration projects as defined
12 in RCW 89.08.460 (as recodified by this act) may develop general
13 permits or permits by rule to address some or all projects required by
14 an approved watershed restoration plan, or for types of watershed
15 restoration projects. Nothing in this chapter (~~(378, Laws of 1995)~~)
16 precludes local governments, state agencies, and tribes from working
17 out other cooperative permitting agreements outside the procedures of
18 this chapter (~~(378, Laws of 1995)~~).

19 **Sec. 14.** RCW 89.08.520 and 2001 c 227 s 3 are each amended to read
20 as follows:

21 (1) In administering grant programs to improve water quality and
22 protect habitat, the commission shall require grant recipients to
23 incorporate the environmental benefits of the project into their grant
24 applications(~~(, and)~~). The commission shall utilize the statement of
25 environmental (~~(benefit[s])~~) benefits in its grant prioritization and
26 selection process.

27 (2) The commission shall also develop appropriate outcome-focused
28 performance measures to be used both for management and performance
29 assessment of the grant program. The commission shall work with the
30 districts to develop uniform performance measures across participating
31 districts.

32 (3) To the extent possible, the commission should coordinate its
33 performance measure system with other natural resource-related agencies
34 as defined in RCW 43.41.270.

1 (4) The commission shall consult with affected interest groups in
2 implementing this section.

3 **Sec. 15.** RCW 89.08.530 and 2002 c 280 s 2 are each amended to read
4 as follows:

5 (1) The agricultural conservation easements program is created.
6 The ((~~state conservation~~)) commission shall manage the program and
7 adopt rules as necessary to implement the legislature's intent.

8 (2) The commission shall report to the legislature on an on-going
9 basis regarding potential funding sources for the purchase of
10 agricultural conservation easements under the program and recommend
11 changes to existing funding authorized by the legislature.

12 (3) All funding for the program shall be deposited into the
13 agricultural conservation easements account created in RCW 89.08.540
14 (as recodified by this act). Expenditures from the account shall be
15 made to local governments and private nonprofits on a match or no match
16 required basis at the discretion of the commission.

17 (4) Easements purchased with money from the agricultural
18 conservation easements account run with the land.

19 **Sec. 16.** RCW 89.08.540 and 2002 c 280 s 3 are each amended to read
20 as follows:

21 (1) The agricultural conservation easements account is created in
22 the custody of the state treasurer. All receipts from legislative
23 appropriations, other sources as directed by the legislature, and
24 gifts, grants, or endowments from public or private sources must be
25 deposited into the account. Expenditures from the account may be used
26 only for the purchase of easements under the agricultural conservation
27 easements program. Only the ((~~state conservation~~)) commission, or the
28 executive director of the commission on the commission's behalf, may
29 authorize expenditures from the account. The account is subject to
30 allotment procedures under chapter 43.88 RCW, but an appropriation is
31 not required for expenditures.

32 (2) The commission is authorized to receive and expend gifts,
33 grants, or endowments from public or private sources that are made
34 available, in trust or otherwise, for the use and benefit of the
35 agricultural conservation easements program.

1 **Sec. 17.** RCW 89.08.010 and 1973 1st ex.s. c 184 s 2 are each
2 amended to read as follows:

3 ~~((It is hereby declared, as a matter of legislative determination))~~

4 The legislature finds that:

5 (1) ~~((That))~~ The lands of the state of Washington are among the
6 basic assets of the state, and ~~((that))~~ the preservation of these lands
7 is necessary to protect and promote the health, safety, and general
8 welfare of its people; ~~((that))~~

9 (2) Improper land-use practices have caused and have contributed
10 to, and are now causing and contributing to, a progressively more
11 serious erosion of the lands of this state by wind and water; ~~((that))~~

12 (3) The breaking of natural grass, plant, and forest cover have
13 interfered with the natural factors of soil stabilization, causing
14 loosening of soil and exhaustion of humus, and developing a soil
15 condition that favors erosion; ~~((that))~~

16 (4) The topsoil is being blown and washed off of lands ~~((; that))~~
17 and there has been an accelerated washing of sloping lands; ~~((that))~~

18 (5) These processes of erosion by wind and water speed up with
19 removal of absorptive topsoil, causing exposure of less absorptive and
20 less protective but more erosive subsoil; ~~((that))~~

21 (6) Failure by any land occupier to conserve the soil and control
22 erosion upon his or her lands may cause a washing and blowing of soil
23 from his or her lands onto other lands and makes the conservation of
24 soil and control of erosion on such other lands difficult or
25 impossible ~~((, and that))~~;

26 (7) Extensive denuding of land for development creates critical
27 erosion areas that are difficult to effectively regenerate, and the
28 resulting sediment causes extensive pollution of streams, ponds, lakes,
29 and other waters ~~((;))~~;

30 ~~((2) That))~~ (8) The consequences of ~~((such))~~ soil erosion in the
31 form of soil blowing and soil washing are the:

32 (a) Silting and sedimentation of stream channels, reservoirs, dams,
33 ditches, and harbors, and loading of the air with soil particles;
34 ~~((the))~~

35 (b) Loss of fertile soil material in dust storms; ~~((the))~~

36 (c) Piling up of soil on lower slopes and its deposit over alluvial
37 plains; ~~((the))~~

1 (d) Reduction in productivity or outright ruin of rich bottom lands
2 by overwash of poor subsoil material, sand, and gravel swept out of the
3 hills;

4 (e) Deterioration of soil and its fertility, deterioration of crops
5 grown thereon, and declining acre yields despite development of
6 scientific processes for increasing such yields;

7 (f) Loss of soil and water which causes destruction of food and
8 cover for wildlife; ((a))

9 (g) Blowing and washing of soil into streams, which silts over
10 spawning beds((τ)) and destroys water plants, diminishing the food
11 supply of fish; ((a))

12 (h) Diminishing of the underground water reserve, which causes
13 water shortages, intensifies periods of drought, and causes crop
14 failures; ((an))

15 (i) Increase in the speed and volume of rainfall run-off, causing
16 severe and increasing floods, which bring suffering, disease, and
17 death; and

18 (j) Impoverishment of families attempting to farm eroding and
19 eroded lands; damage to roads, highways, railways, buildings, and other
20 property from floods and from dust storms; and losses in navigation,
21 hydroelectric power, municipal water supply, irrigation developments,
22 farming and grazing((τ));

23 ((~~(3)~~ That)) (9) To conserve soil resources and control and prevent
24 soil erosion and prevent flood water and sediment damages, and further
25 agricultural and nonagricultural phases of the conservation,
26 development, utilization, and disposal of water, it is necessary that
27 land-use practices contributing to soil wastage and soil erosion be
28 discouraged and discontinued((τ)) and that appropriate soil-conserving
29 land-use practices, and works of improvement for flood prevention of
30 agricultural and nonagricultural phases of the conservation,
31 development, utilization, and disposal of water be adopted and
32 ((~~carried out~~)) implemented; ((~~that~~)) and

33 (10) Among the procedures necessary for widespread adoption((τ))
34 are the:

35 (a) Carrying on of engineering operations ((~~such as~~)) including but
36 not limited to the construction of terraces, terrace outlets, check-

1 dams, desilting basins, flood water retarding structures, channel
2 floodways, dikes, ponds, and ditches(~~(, and the like)~~); (~~the~~)

3 (b) Utilization of strip cropping, contour cultivating, and contour
4 furrowing;

5 (c) Land irrigation;

6 (d) Seeding and planting of waste, sloping, abandoned, or eroded
7 lands to water-conserving and erosion-preventing plants, trees, and
8 grasses;

9 (e) Forestation and reforestation;

10 (f) Rotation of crops;

11 (g) Soil stabilizations with trees, grasses, legumes, and other
12 thick-growing, soil-holding crops, retardation of run-off by increasing
13 absorption of rainfall; and

14 (h) Retirement from cultivation of steep, highly erosive areas and
15 areas now badly gullied or otherwise eroded.

16 ~~((4) Whereas, there is a pressing need for the conservation of
17 renewable resources in all areas of the state, whether urban, suburban,
18 or rural, and that the benefits of resource practices, programs, and
19 projects, as carried out by the state conservation commission and by
20 the conservation districts, should be available to all such areas;
21 therefore, it is hereby declared to be the policy of the legislature to
22 provide for the conservation of the renewable resources of this state,
23 and for the control and prevention of soil erosion, and for the
24 prevention of flood water and sediment damages, and for furthering
25 agricultural and nonagricultural phases of conservation, development,
26 utilization, and disposal of water, and thereby to preserve natural
27 resources, control floods, prevent impairment of dams and reservoirs,
28 assist in maintaining the navigability of rivers and harbors, preserve
29 wildlife, protect the tax base, protect public lands, and protect and
30 promote the health, safety, and general welfare of the people of this
31 state. To this end all incorporated cities and towns heretofore
32 excluded from the boundaries of a conservation district established
33 pursuant to the provisions of the state conservation district law, as
34 amended, may be approved by the conservation commission as being
35 included in and deemed a part of the district upon receiving a petition
36 for annexation signed by the governing authority of the city or town~~

1 ~~and the conservation district within the exterior boundaries of which~~
2 ~~it lies in whole or in part or to which it lies closest.))~~

3 NEW SECTION. **Sec. 18.** A new section is added to chapter 89.08 RCW
4 to read as follows:

5 (1) The legislature finds that there is a pressing need for the
6 conservation of renewable resources in all areas of the state, whether
7 urban, suburban, or rural. The legislature also finds that the
8 benefits of resource practices, programs, and projects, as carried out
9 by the commission and by the conservation districts, should be
10 available to all such areas. Therefore, the legislature declares it is
11 the policy of the state to provide for the:

- 12 (a) Conservation of the renewable resources of this state;
- 13 (b) Control and prevention of soil erosion;
- 14 (c) Prevention of flood water and sediment damages; and
- 15 (d) Furthering of agricultural and nonagricultural phases of
16 conservation, development, utilization, and disposal of water.

17 (2) The legislature further declares that providing for the
18 objectives identified in subsection (1) of this section will enhance
19 the state's ability to:

- 20 (a) Preserve natural resources;
- 21 (b) Control floods;
- 22 (c) Prevent impairment of dams and reservoirs;
- 23 (d) Assist in maintaining the navigability of rivers and harbors;
- 24 (e) Preserve wildlife;
- 25 (f) Protect the tax base and public lands; and
- 26 (g) Promote the health, safety, and general welfare of the people
27 of this state.

28 NEW SECTION. **Sec. 19.** A new section is added to chapter 89.08 RCW
29 to read as follows:

30 All incorporated cities and towns previously excluded from the
31 boundaries of a conservation district may be approved by the commission
32 as being included in and deemed a part of the district upon receiving
33 a petition for annexation signed by the governing authority of the city
34 or town and the conservation district within the exterior boundaries of
35 which it lies in whole or in part or to which it lies closest.

1 **Sec. 20.** RCW 89.08.020 and 1999 c 305 s 1 are each amended to read
2 as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly (~~indicates~~) requires otherwise(~~(, as used~~
5 ~~in this chapter~~).

6 (1) "Agricultural lands" includes the lands defined as "farm and
7 agricultural lands" in subsection (7) of this section and any of the
8 following lands:

9 (a) Farm woodlots fewer than twenty and more than five acres and
10 the land on which appurtenances necessary to production, preparation,
11 or sale of the agricultural products exist in conjunction with the
12 lands producing such products; and

13 (b) Any parcel of land of one to five acres, which is not
14 contiguous, but which otherwise constitutes an integral part of farming
15 operations being conducted on land meeting the definition of either
16 "agricultural lands" or "farm and agricultural lands" under this
17 section.

18 (2) "Board" and "supervisors" mean the board of supervisors of a
19 conservation district.

20 (3) "Commission" (~~and "state conservation commission"~~) means the
21 (~~agency created hereunder. All former references to "state soil and~~
22 ~~water conservation committee", "state committee" or "committee" shall~~
23 ~~be deemed to be references to the "state conservation commission";~~)
24 Washington state conservation commission created in section 2 of this
25 act.

26 (4) "Conservation" includes conservation, development, improvement,
27 maintenance, preservation, protection and use, and alleviation of flood
28 water and sediment damages, and the disposal of excess surface waters.

29 (5) "Conservation district" or "district" (~~(, or "conservation~~
30 ~~district"~~) means a governmental subdivision of this state and a public
31 body corporate and politic, organized in accordance with the provisions
32 of this chapter (~~184, Laws of 1973 1st ex. sess., for the purposes,~~
33 ~~with the powers, and subject to the restrictions set forth in this~~
34 ~~chapter. All districts created under chapter 184, Laws of 1973 1st ex.~~
35 ~~sess. shall be known as conservation districts and shall have all the~~
36 ~~powers and duties set out in chapter 184, Laws of 1973 1st ex. sess.~~

1 ~~All references in chapter 184, Laws of 1973 1st ex. sess. to~~
2 ~~"districts", or "soil and water conservation districts" shall be deemed~~
3 ~~to be reference to "conservation districts";~~

4 ~~"Board" and "supervisors" mean the board of supervisors of a~~
5 ~~conservation district;))~~.

6 (6) "District elector" or "voter" means a registered voter in the
7 county in which the district is located who resides within the district
8 boundary or in the area affected by a petition.

9 (7) "Farm and agricultural land" includes the lands defined as
10 "agricultural lands" in subsection (1) of this section and any of the
11 following lands:

12 (a) Land in any contiguous ownership of twenty or more acres
13 devoted primarily to agricultural uses;

14 (b) Any parcel of land five acres or more but fewer than twenty
15 acres devoted primarily to agricultural uses, which has produced a
16 gross income from agricultural uses equivalent to one hundred dollars
17 or more per acre per year for three of the five calendar years
18 preceding the date of application for classification under this
19 chapter; or

20 (c) Any parcel of land fewer than five acres devoted primarily to
21 agricultural uses that has produced a gross income of one thousand
22 dollars or more per year for three of the five calendar years preceding
23 the date of application for classification under this chapter.

24 (8) "Land occupier" or "occupier of land" includes any person,
25 firm, political subdivision, government agency, municipality, public or
26 private corporation, copartnership, association, or any other entity
27 whatsoever ((which)) that holds title to, or is in possession of, any
28 lands lying within a district organized under the provisions of this
29 chapter ((184, Laws of 1973 1st ex. sess.)), whether as owner, lessee,
30 renter, tenant, or otherwise((;)).

31 ~~(("District elector" or "voter" means a registered voter in the~~
32 ~~county where the district is located who resides within the district~~
33 ~~boundary or in the area affected by a petition;~~

34 ~~"Due"))~~ (9) "Notice" means a notice published at least twice, with
35 at least six days between publications, in a publication of general
36 circulation within the affected area, or if there is no such
37 publication, by posting at a reasonable number of public places within

1 the area, where it is customary to post notices concerning county and
2 municipal affairs. (~~Any hearing held pursuant to due notice may be
3 postponed from time to time without a new notice.~~)

4 (10) "Renewable natural resources", "natural resources" or
5 "resources" includes land, air, water, vegetation, fish, wildlife, wild
6 rivers, wilderness, natural beauty, scenery and open space(~~(+~~

7 ~~"Conservation" includes conservation, development, improvement,
8 maintenance, preservation, protection and use, and alleviation of
9 floodwater and sediment damages, and the disposal of excess surface
10 waters.~~

11 ~~"Farm and agricultural land" means either (a) land in any
12 contiguous ownership of twenty or more acres devoted primarily to
13 agricultural uses; (b) any parcel of land five acres or more but less
14 than twenty acres devoted primarily to agricultural uses, which has
15 produced a gross income from agricultural uses equivalent to one
16 hundred dollars or more per acre per year for three of the five
17 calendar years preceding the date of application for classification
18 under this chapter; or (c) any parcel of land of less than five acres
19 devoted primarily to agricultural uses which has produced a gross
20 income of one thousand dollars or more per year for three of the five
21 calendar years preceding the date of application for classification
22 under this chapter. Agricultural lands shall also include farm
23 woodlots of less than twenty and more than five acres and the land on
24 which appurtenances necessary to production, preparation or sale of the
25 agricultural products exist in conjunction with the lands producing
26 such products. Agricultural lands shall also include any parcel of
27 land of one to five acres, which is not contiguous, but which otherwise
28 constitutes an integral part of farming operations being conducted on
29 land qualifying under this section as "farm and agricultural lands").~~

30 NEW SECTION. Sec. 21. A new section is added to chapter 89.08 RCW
31 to read as follows:

32 All districts created under this chapter shall be known as
33 conservation districts and shall have all the powers and duties set out
34 in this chapter. All references in this chapter to "districts" or
35 "soil and water conservation districts" shall be deemed to be

1 references to "conservation districts" or "districts" as defined in
2 this chapter.

3 **Sec. 22.** RCW 89.08.080 and 1999 c 305 s 2 are each amended to read
4 as follows:

5 ~~((To form a conservation district,))~~ (1) Twenty percent of the
6 voters within the area to be affected may file a petition with the
7 commission ~~((asking))~~ requesting that the area be organized into a
8 district.

9 (2) The petition shall:

10 (a) Give the name of the proposed district~~((τ))~~i

11 (b) State that ~~((it))~~ the district is needed in the interest of the
12 public health, safety, and welfare~~((τ))~~i

13 (c) Give a general description of the area proposed to be
14 organized~~i~~ and

15 (d) Request that the commission determine that ~~((it))~~ the district
16 be created~~((τ))~~ and that ~~((it))~~ the commission define the district
17 boundaries ~~((thereof))~~ and call an election on the question of creating
18 the district.

19 (3) If more than one petition is filed covering parts of the same
20 area, the commission may consolidate all or any of them.

21 **Sec. 23.** RCW 89.08.090 and 1973 1st ex.s. c 184 s 10 are each
22 amended to read as follows:

23 (1) Within thirty days after a petition is filed, the commission
24 shall ~~((give due))~~ issue notice of the time and place of a public
25 hearing thereon. At the hearing all interested persons shall be heard.

26 (2) If it appears to the commission that additional land should be
27 included in the district, the hearing shall be adjourned ~~((and))~~. The
28 commission shall issue a new notice ~~((given))~~ covering the entire area
29 and set a new date ~~((fixed))~~ for further hearing, unless waiver of
30 notice by the owners of the additional land is filed with the
31 commission.

32 ~~((No district shall include any portion of a railroad right of way,
33 or another similar district. The lands included in a district need not
34 be contiguous.))~~ (3) Any hearing held by a district pursuant to notice

1 as defined in RCW 89.08.020 may be postponed from time to time without
2 a new notice.

3 NEW SECTION. Sec. 24. A new section is added to chapter 89.08 RCW
4 to read as follows:

5 No district shall include any portion of a railroad right of way,
6 or another similar district. The lands included in a district need not
7 be contiguous.

8 **Sec. 25.** RCW 89.08.100 and 1973 1st ex.s. c 184 s 11 are each
9 amended to read as follows:

10 (1) After the hearing held according to RCW 89.08.090, ((if)) the
11 commission ((finds that)) shall determine whether the public health,
12 safety, and welfare warrant the creation of the district((, it)). If
13 it determines that creation of the district is warranted, the
14 commission shall enter an order to that effect and define the
15 boundaries ((thereof)) of the district by metes and bounds or by legal
16 subdivisions.

17 (2) If the commission finds there is no need for the district, it
18 shall enter an order denying the petition. No petition covering the
19 same or substantially the same area may be filed within six months of
20 the date the commission denies a petition under this section.

21 (3) In making its findings under this section, the commission shall
22 consider the:

23 (a) Topography of the particular area and of the state generally;
24 ((the))

25 (b) Composition of the soil; ((the))

26 (c) Distribution of erosion; ((the))

27 (d) Prevailing land use practices; ((the))

28 (e) Effects upon and benefits to the land proposed to be included;
29 ((the))

30 (f) Relation of the area to existing watersheds and agricultural
31 regions and to other similar districts organized or proposed; and
32 ((consider such))

33 (g) Other relevant physical, geographical, and economic factors
34 ((as are relevant.

1 ~~If the commission finds there is no need for the district, it shall~~
2 ~~enter an order denying the petition, and no petition covering the same~~
3 ~~or substantially the same area may be filed within six months~~
4 ~~thereafter)).~~

5 **Sec. 26.** RCW 89.08.110 and 1999 c 305 s 3 are each amended to read
6 as follows:

7 (1) If the commission finds that the district is ~~((needed))~~
8 warranted pursuant to RCW 89.08.100, it shall then determine whether it
9 is practicable. To assist the commission in determining this question,
10 it shall, within a reasonable time, submit the proposition to a vote of
11 the district electors in the proposed district.

12 (2) The commission shall fix the date of the election, designate
13 the polling places, fix the hours for opening and closing the polls,
14 and appoint the election officials. The commission shall conduct the
15 election ~~((shall be conducted))~~, count the vote ~~((counted and))~~, canvas
16 the returns ~~((canvassed))~~, and publish the results ~~((published by the~~
17 ~~commission))~~ of the election.

18 **Sec. 27.** RCW 89.08.120 and 1973 1st ex.s. c 184 s 13 are each
19 amended to read as follows:

20 (1) The commission shall provide the ballots for the election
21 ~~((which))~~. The ballots shall contain the words:

22 " For creation of a conservation district of the lands below
23 described and lying in the county or counties of ,
24 and ," and

25 " Against creation of a conservation district of the lands below
26 described and lying in the county or counties of ,
27 and "

28 (2) The ballot shall set forth the boundaries of the proposed
29 district~~((τ))~~ and contain a direction to insert an X in the square of
30 the voter's choice.

31 **Sec. 28.** RCW 89.08.130 and 1999 c 305 s 4 are each amended to read
32 as follows:

33 (1) The commission shall give ~~((due))~~ notice of the election~~((τ~~
34 ~~which))~~ as defined in RCW 89.08.020. The notice shall state generally

1 the purpose and date of the election(~~((, the date thereof,))~~) and the
2 place and hours of voting(~~((, and))~~). The notice shall also set forth
3 the boundaries of the proposed district.

4 (2) Only qualified district electors within the proposed district
5 ((as determined by the commission)) may vote at the election. The
6 commission shall determine the qualified district electors within the
7 proposed district.

8 (3) Each voter shall vote in the polling place nearest the voter's
9 residence.

10 **Sec. 29.** RCW 89.08.140 and 1973 1st ex.s. c 184 s 15 are each
11 amended to read as follows:

12 (1) The commission shall bear all expense of giving the notices and
13 conducting the hearings and election(~~((, and))~~).

14 (2) The commission shall issue regulations governing all hearings
15 and elections and establish procedures for determining whether
16 districts are warranted and practicable as required by RCW 89.08.100
17 and 89.08.110.

18 (3) The commission shall supervise the conduct (~~((thereof))~~) of
19 elections. (~~((It))~~)

20 (4) The commission shall provide for registration of eligible
21 voters or prescribe the procedure to determine (~~((the))~~) eligible voters.

22 (5) No informality in connection with the election shall invalidate
23 the results(~~((,))~~) if the notice (~~((thereof))~~) of the election was
24 substantially given(~~((,))~~) and the election fairly conducted.

25 **Sec. 30.** RCW 89.08.150 and 1999 c 305 s 5 are each amended to read
26 as follows:

27 (1) The commission shall deny the petition to create a district if
28 a majority of the votes cast at the election are against the creation
29 of the district(~~((, the commission shall deny the petition))~~).

30 (2) If a majority favor the district, the commission shall
31 determine the practicability of creating the (~~((project))~~) district.

32 (3) In making such determination, the commission shall consider:

- 33 (a) The attitude of the voters of the district;
- 34 (b) The number of eligible voters who voted at the election;
- 35 (c) The size of the majority vote;

1 (d) The wealth and income of the land occupiers;
2 (e) The probable expense of carrying out the project; and
3 (f) Any other economic factors relevant ((thereto)) to the creation
4 of the district.

5 (4) If the commission finds that the ((project)) creation of the
6 district is impracticable ((it)), the commission shall enter an order
7 to that effect and deny the petition.

8 (5) When ((the)) a petition to create a district has been denied
9 under this section, no new petition covering the same or substantially
10 the same area may be filed within six months ((therefrom)) of the date
11 of denial.

12 **Sec. 31.** RCW 89.08.160 and 1973 1st ex.s. c 184 s 17 are each
13 amended to read as follows:

14 (1) If the commission finds ((the project)) creation of the
15 district practicable, ((it)) the commission shall appoint two
16 supervisors, one of whom shall be a landowner or operator of a farm,
17 who shall be qualified by training and experience to perform the
18 specialized skilled services required of them. They, with the three
19 ((elected)) supervisors, two of whom shall be landowners or operators
20 of a farm elected according to RCW 89.08.190, shall constitute the
21 governing board of the district.

22 (2) The two appointed supervisors shall file with the secretary of
23 state a sworn application, reciting that:

24 (a) A petition was filed with the commission for the creation of
25 the district; ((that))

26 (b) All required proceedings ((were had thereon; that they)) for
27 creation of the district required by this chapter were conducted;

28 (c) The two appointed supervisors were appointed by the commission
29 as ((such)) supervisors of the district; and ((that))

30 (d) The application is being filed to complete the organization of
31 the district and the requirements of this section. ((It))

32 (3) The application of the appointed supervisors shall contain the
33 names and residences of the applicants, a certified copy of their
34 appointments, the name of the district, the location of the office of
35 the supervisors and the term of office of each applicant.

1 (4) The application of the appointed supervisors shall be
2 accompanied by a statement of the commission(~~(7)~~) reciting that:

3 (a) A petition was filed, notice issued, and hearing held
4 (~~(thereon)~~) as required by this chapter; (~~that it~~)

5 (b) The commission determined the need for the district and defined
6 the boundaries (~~(thereof)~~) of the district; (~~that~~)

7 (c) Notice was given and an election held on the question of
8 creating the district; (~~that~~)

9 (d) A majority vote favored the district(~~(7 and that)~~);

10 (e) The commission had determined the district practicable; and

11 (f) The commission shall set forth the boundaries of the district.

12 **Sec. 32.** RCW 89.08.170 and 1973 1st ex.s. c 184 s 18 are each
13 amended to read as follows:

14 (1) If the secretary of state finds that the name of the proposed
15 district is such as will not be confused with that of any other
16 district, (~~(he)~~) the secretary shall enter the application and
17 statement in (~~(his)~~) the secretary's records.

18 (2) If (~~(he)~~) the secretary finds the name of the proposed district
19 may be confusing, (~~(he)~~) the secretary shall certify that fact to the
20 commission(~~(7 which)~~). The commission shall submit a new name free
21 from such objections, and (~~(he)~~) the secretary shall enter the
22 application and statement, as modified, in (~~(his)~~) the secretary's
23 records. (~~(Thereupon)~~) The district shall then be considered organized
24 into a body corporate.

25 (3) After the application and statement are entered into the
26 secretary's records according to subsection (1) or (2) of this section,
27 the secretary of state shall (~~(then)~~) issue to the supervisors a
28 certificate of organization of the district under the seal of the
29 state, and shall record the certificate in (~~(his)~~) the secretary's
30 office.

31 (4) Proof of the issuance of the certificate shall be evidence of
32 the establishment of the district, and a certified copy of the
33 certificate shall be admissible as evidence and shall be proof of the
34 filing and contents (~~(thereof. The name of a conservation district may~~
35 ~~be changed upon recommendation by the supervisors of a district and~~

1 approval by the state conservation commission and the secretary of
2 state. The new name shall be recorded by the secretary of state
3 following the same general procedure as for the previous name)).

4 NEW SECTION. Sec. 33. A new section is added to chapter 89.08 RCW
5 to read as follows:

6 The name of a conservation district may be changed upon
7 recommendation by the supervisors of a district and approval by the
8 commission and the secretary of state. The new name shall be recorded
9 by the secretary of state following the same general procedure in RCW
10 89.08.170 for the previous name.

11 Sec. 34. RCW 89.08.180 and 1999 c 305 s 6 are each amended to read
12 as follows:

13 (1) Territory may be added to an existing district upon filing a
14 petition as in the case of formation with the commission by twenty
15 percent of the voters of the affected area to be included. The
16 ((same)) procedure ((shall be followed as)) for adding territory to a
17 district shall be the same as the procedure specified in this chapter
18 for the creation of the district.

19 (2) As an alternate ((procedure)) to the provisions of subsection
20 (1) of this section, the commission may upon the petition of a majority
21 of the voters in any one or more districts or in unorganized territory
22 adjoining a conservation district change the boundaries of a
23 district((₇)) or districts((₇)). The commission may change boundaries
24 according to this subsection if such action will promote the practical
25 and feasible administration of ((such)) the district or districts.

26 (3) Upon petition of the boards of supervisors of two or more
27 districts, the commission may approve the combining of all or parts of
28 such districts and name the district, or districts, with the approval
29 of the name by the secretary of state. ((A public hearing and/or a
30 referendum may be held if deemed)) The commission may hold a public
31 hearing and/or a referendum on a petition filed according to this
32 subsection if the commission determines such action necessary or
33 desirable ((by the commission in order)) to determine the wishes of the
34 voters.

1 ~~((When districts are combined, the joint boards of supervisors will~~
2 ~~first select a chairman, secretary and other necessary officers and~~
3 ~~select a regular date for meetings. All elected supervisors will~~
4 ~~continue to serve as members of the board until the expiration of their~~
5 ~~current term of office, and/or until the election date nearest their~~
6 ~~expiration date. All appointed supervisors will continue to serve~~
7 ~~until the expiration of their current term of office, at which time the~~
8 ~~commission will make the necessary appointments. In the event that~~
9 ~~more than two districts are combined, a similar procedure will be set~~
10 ~~up and administered by the commission.~~

11 ~~When districts are combined or territory is moved from one district~~
12 ~~to another, the property, records and accounts of the districts~~
13 ~~involved shall be distributed to the remaining district or districts as~~
14 ~~approved by the commission. A new certificate of organization, naming~~
15 ~~and describing the new district or districts, shall be issued by the~~
16 ~~secretary of state.))~~

17 NEW SECTION. **Sec. 35.** A new section is added to chapter 89.08 RCW
18 to read as follows:

19 (1) When districts are combined according to RCW 89.08.180, the
20 joint boards of supervisors shall select a chair, secretary, and other
21 necessary officers and select a regular date for meetings. All elected
22 supervisors shall continue to serve as members of the board until the
23 expiration of their current term of office, and/or until the election
24 date nearest their expiration date. All appointed supervisors shall
25 continue to serve until the expiration of their current term of office,
26 at which time the commission will make the necessary appointments.

27 (2) In the event that more than two districts are combined, the
28 commission shall establish and administer a procedure similar to the
29 procedure specified in subsection (1) of this section.

30 NEW SECTION. **Sec. 36.** A new section is added to chapter 89.08 RCW
31 to read as follows:

32 (1) When districts are combined or territory is moved from one
33 district to another according to RCW 89.08.180, the property, records,
34 and accounts of the districts involved shall be distributed to the

1 remaining district or districts. The commission shall approve the
2 distribution of property, records, and accounts.

3 (2) A new certificate of organization, naming and describing the
4 new district or districts, shall be issued by the secretary of state.

5 **Sec. 37.** RCW 89.08.185 and 1999 c 305 s 7 are each amended to read
6 as follows:

7 (1) The local governing body of any city or incorporated town
8 within an existing district may approve by majority vote a petition to
9 withdraw from the district. The petition shall be submitted to the
10 district for its approval.

11 (2) If the petition to withdraw is approved by the district, the
12 petition shall be sent to the commission. The commission shall approve
13 the petition and forward it to the secretary of state and the boundary
14 of the district shall be adjusted accordingly.

15 (3)(a) If the petition is not approved by the district, the
16 district shall adopt a resolution specifying the reasons why the
17 petition is not approved. The petition and the district's resolution
18 shall be sent to the commission for its review.

19 (b) The commission shall approve or reject the petition based upon
20 criteria ~~((it has))~~ adopted according to subsection (4) of this section
21 for the evaluation of petitions in dispute. If the commission approves
22 the petition, it shall forward the petition to the secretary of state,
23 and the boundaries of the district shall be adjusted accordingly.

24 (4) The ~~((criteria used by the commission to evaluate petitions~~
25 ~~which are in dispute))~~ commission shall adopt criteria for the
26 evaluation of petitions in dispute submitted to the commission
27 according to subsection (3) of this section. The criteria shall be
28 adopted as rules by the commission under chapter 34.05 RCW, the
29 administrative procedure act.

30 **Sec. 38.** RCW 89.08.190 and 2002 c 43 s 3 are each amended to read
31 as follows:

32 (1) Petitions to nominate candidates for the three elected
33 supervisors shall be filed with the commission within thirty days after
34 the issuance of the certificate of organization pursuant to RCW

1 89.08.170, unless the time is extended by the commission(~~(, petitions~~
2 ~~shall be filed with the commission to nominate candidates for the three~~
3 ~~elected supervisors))~~).

4 (2) The petition filed under this section shall be signed by not
5 ~~((less)) fewer~~ than twenty-five district electors(~~(, and))~~). A district
6 elector may sign petitions nominating more than one person.

7 (3) In the case of a new district, the commission shall give
8 ~~((due))~~ notice to elect the three supervisors. ~~((All))~~ Provisions
9 pertaining to elections on the creation of a district specified in this
10 chapter shall govern this election so far as applicable.

11 (4) The names of all nominees shall appear on the ballot in
12 alphabetical order, together with instructions to vote for three. The
13 three candidates receiving the most votes shall be declared elected
14 supervisors(~~(, the one))~~. The candidate receiving the most ((being))
15 votes shall be elected for a three-year term, the ((next for two and
16 the last for one year. An alternate method of dividing the district
17 into three zones may be used when requested by the board of supervisors
18 and approved by the commission. In such case,)) candidate with the
19 second highest number of votes shall be elected for a two-year term,
20 and the candidate with the third highest number of votes shall be
21 elected for a one-year term.

22 (5) The commission may approve an alternate election method of
23 dividing the district into three zones when requested by the board of
24 supervisors. When this alternate method is used instructions will be
25 to vote for one candidate in each zone. The candidate receiving the
26 most votes in a zone shall be declared elected. The commission shall
27 designate the term for which each supervisor shall be elected when the
28 commission establishes the three zones.

29 (6) Each year after the creation of the first board of supervisors,
30 the board shall by resolution and by giving ((due)) notice, set a date
31 during the first quarter of each calendar year at which time it shall
32 conduct an election(~~(, except that for elections in 2002 only, the~~
33 board shall set the date during the second quarter of the calendar year
34 at which time it shall conduct an election)). Names of candidates
35 nominated by petition shall appear in alphabetical order on the
36 ballots, together with an extra line ~~((wherein))~~ on which may be
37 written in the name of any other candidate.

1 (7) The commission shall establish procedures for elections,
2 canvass the returns and announce the official results (~~(thereof)~~) of
3 elections. Election results may be announced by polling officials at
4 the close of the election subject to official canvass of ballots by the
5 commission.

6 (8) Supervisors elected shall take office at the first board
7 meeting following the election.

8 **Sec. 39.** RCW 89.08.200 and 1973 1st ex.s. c 184 s 21 are each
9 amended to read as follows:

10 (1) Except as provided in subsection (2) of this section, the term
11 of office of each appointed or elected supervisor shall be three years
12 and until his or her successor is appointed or elected and qualified(~~(~~
13 ~~except that)~~).

14 (2) The supervisors first appointed shall serve for one and two
15 years respectively from the date of their appointments(~~(~~
16 ~~as designated~~
17 ~~in their appointments~~).

18 ~~In the case of elected supervisors, the term of office of each~~
19 ~~supervisor shall be three years and until his successor is elected and~~
20 ~~qualified, except that for the first election, the one receiving the~~
21 ~~largest number of votes shall be elected for three years; the next~~
22 ~~largest two years; and the third largest one year. Successors shall be~~
23 ~~elected for three year terms)~~ with the terms designated by the
24 commission in their appointments. The terms of the first elected
25 supervisors shall be determined as provided in RCW 89.08.190.

26 (3) Vacancies in the office of appointed supervisors shall be
27 filled by the (~~(state conservation)~~) commission. Vacancies in the
28 office of elected supervisors shall be filled by appointment (~~(made~~
29 ~~by)~~) of the remaining supervisors for the unexpired term.

30 (4) A majority of the supervisors shall constitute a quorum and the
31 concurrence of a majority is required for any official action or
32 determination.

33 (5) Supervisors shall serve without compensation(~~(~~) but (~~(they)~~)
34 shall be entitled to expenses, including traveling expenses,
35 necessarily incurred in discharge of their duties.

36 (6) A supervisor may be removed by the (~~(state conservation)~~)

1 commission upon notice and hearing(~~(7)~~) only for neglect of duty or
2 malfeasance in office(~~(7-but)~~) and for no other reason.

3 (7) The governing board shall designate a chairman from time to
4 time.

5 **Sec. 40.** RCW 89.08.210 and 2000 c 45 s 1 are each amended to read
6 as follows:

7 (1) The supervisors may:

8 (a) Employ a secretary, treasurer, technical experts, and such
9 other officers, agents, and employees, permanent and temporary, as
10 (~~they~~) it may require(~~(7)~~) and determine their qualifications,
11 duties, and compensation(~~(.—It may)~~);

12 (b) Call upon the attorney general for legal services(~~(7)~~) or
13 (~~may~~) employ its own counsel and legal staff(~~(.—The supervisors~~
14 ~~may)~~); and

15 (c) Delegate to (~~their chairman, to~~) its chair one or more
16 supervisors, or (~~to~~) one or more agents or employees such powers and
17 duties as it deems proper.

18 (2) The board of supervisors shall:

19 (a) Furnish to the commission, upon request, copies of (~~such~~)
20 internal rules, regulations, orders, contracts, forms, and other
21 documents as (~~they~~) it shall adopt or employ, and such other
22 information concerning (~~their~~) its activities (~~(as)~~) that the
23 commission may require in the performance of its duties under this
24 chapter (~~(184, Laws of 1973 1st ex. sess. The supervisors shall)~~);

25 (b) Provide for the execution of surety bonds for officers and all
26 employees who shall be entrusted with funds or property(~~(—~~
27 ~~The supervisors shall)~~);

28 (c) Provide for the (~~keeping~~) maintenance of a full and accurate
29 record of all proceedings, resolutions, regulations, and orders issued
30 or adopted(~~(.—The supervisors shall)~~); and

31 (d) Provide for an annual audit of the accounts of receipts and
32 disbursements (~~(in accordance with)~~) according to procedures prescribed
33 by (~~(regulations of)~~) the commission.

34 (~~The board may invite the legislative body of any municipality or~~
35 ~~county near or within the district, to designate a representative to~~
36 ~~advise and consult with it on all questions of program and policy which~~

1 may affect the property, water supply, or other interests of such
2 municipality or county. The governing body of a district shall appoint
3 such advisory committees as may be needed to assure the availability of
4 appropriate channels of communication to the board of supervisors, to
5 persons affected by district operations, and to local, regional, state
6 and interstate special purpose districts and agencies responsible for
7 community planning, zoning, or other resource development activities.
8 The district shall keep such committees informed of its work, and such
9 advisory committees shall submit recommendations from time to time to
10 the board of supervisors.))

11 NEW SECTION. **Sec. 41.** A new section is added to chapter 89.08 RCW
12 to read as follows:

13 The board may invite the legislative body of any municipality or
14 county near or within the district to designate a representative to
15 advise and consult with it on all questions of program and policy that
16 may affect the property, water supply, or other interests of such
17 municipality or county.

18 NEW SECTION. **Sec. 42.** A new section is added to chapter 89.08 RCW
19 to read as follows:

20 (1) The governing body of a district shall appoint advisory
21 committees as needed to assure the availability of appropriate channels
22 of communication to the board of supervisors, persons affected by
23 district operations, and local, regional, state, and interstate special
24 purpose districts and agencies responsible for community planning,
25 zoning, or other resource development activities.

26 (2) The district shall keep any advisory committees informed of its
27 work and require advisory committees to submit recommendations from
28 time to time to the board of supervisors.

29 **Sec. 43.** RCW 89.08.215 and 2000 c 45 s 2 are each amended to read
30 as follows:

31 (1) Except as provided in subsection (2) of this section, the
32 treasurer of the county in which a conservation district is located
33 ((is)) shall serve as ex officio treasurer of the district.
34 ((However,))

1 (2) The board of supervisors by resolution may designate some other
2 person having experience in financial or fiscal matters as treasurer of
3 the conservation district. The board of supervisors shall require a
4 bond, with a surety company authorized to do business in the state of
5 Washington, in an amount and under the terms and conditions (~~(which)~~)
6 that the board of supervisors by resolution from time to time finds
7 will protect the district against loss. The premium on this bond shall
8 be paid by the district. The district shall submit to the commission
9 the name of the person selected to serve as treasurer according to this
10 subsection.

11 (3) All district funds shall be paid to the treasurer and disbursed
12 only on warrants issued by an auditor appointed by the board of
13 supervisors, upon orders or vouchers approved by it. The treasurer
14 shall establish a conservation district fund into which shall be paid
15 all district funds. The treasurer shall maintain any special funds
16 created by the board of supervisors for the placement of all money as
17 the board of supervisors may, by resolution, direct.

18 (4) If the treasurer of the district is the treasurer of the county
19 all district funds shall be deposited with the county depositaries
20 under the same restrictions, contracts, and security as provided for
21 county depositaries. If the treasurer of the district is some other
22 person, all funds shall be deposited in a bank or banks authorized to
23 do business in this state as the board of supervisors, by resolution,
24 designates.

25 (5) A district may provide and require a reasonable bond of any
26 other person handling moneys or securities of the district(~~(7)~~) if the
27 district pays the premium.

28 **Sec. 44.** RCW 89.08.220 and 1999 c 305 s 8 are each amended to read
29 as follows:

30 (1) A conservation district organized under (~~(the provisions of)~~)
31 this chapter (~~(184, Laws of 1973 1st ex. sess.)~~) shall constitute a
32 governmental subdivision of this state, and a public body corporate and
33 politic exercising public powers(~~(7 but)~~). A conservation district
34 shall not levy taxes or issue bonds (~~(and such district, and the~~
35 ~~supervisors thereof,)~~).

1 (2) In addition to other powers specified in this chapter, a
2 conservation district shall have the (~~following powers, in addition to~~
3 ~~others granted in other sections of chapter 184, Laws of 1973 1st ex.~~
4 ~~sess.)~~) power to:

5 (~~(1) To~~) (a) Conduct surveys, investigations, and research
6 relating to the conservation of renewable natural resources and the
7 preventive and control measures and works of improvement needed, (~~to~~)
8 publish the results of such surveys, investigations, or research, and
9 (~~to~~) disseminate information concerning such preventive and control
10 measures and works of improvement(~~(: PROVIDED, That in order)~~). To
11 avoid duplication of research activities, no district shall initiate
12 any research program except in cooperation with the government of this
13 state or any of its agencies, or with the United States or any of its
14 agencies;

15 (~~(2) To~~) (b) Conduct educational and demonstrational projects on
16 any lands within the district upon obtaining the consent of the
17 occupier of such lands and such necessary rights or interests in such
18 lands as may be required in order to demonstrate by example the means,
19 methods, measures, and works of improvement by which the conservation
20 of renewable natural resources may be carried out;

21 (~~(3) To~~) (c) Carry out preventative and control measures and
22 works of improvement for the conservation of renewable natural
23 resources, within the district including, but not limited to,
24 engineering operations, methods of cultivation, the growing of
25 vegetation, changes in use of lands, and the measures listed in RCW
26 89.08.010, on any lands within the district upon obtaining the consent
27 of the occupier of such lands and such necessary rights or interests in
28 such lands as may be required;

29 (~~(4) To~~) (d) Cooperate or enter into agreements with, and within
30 the limits of appropriations duly made available to it by law, to
31 furnish financial or other aid to any agency, governmental or
32 otherwise, or any occupier of lands within the district in the carrying
33 on of preventive and control measures and works of improvement for the
34 conservation of renewable natural resources within the district,
35 subject to such conditions as the supervisors may deem necessary to
36 advance the purposes of this chapter (~~184, Laws of 1973 1st ex.~~

1 ~~sess~~). For purposes of this subsection (2)(d) only, land occupiers
2 who are also district supervisors are not subject to the provisions of
3 RCW 42.23.030;

4 ~~((5) Tø))~~ (e) Obtain options upon and ~~((tø))~~ acquire in any
5 manner~~((, except by))~~ other than condemnation, by purchase, exchange,
6 lease, gift, bequest, devise, or otherwise, any property, real or
7 personal, or rights or interests ~~((therein))~~ to property; ~~((tø))~~
8 maintain, administer, and improve any properties acquired~~((, tø))~~;
9 receive income from such properties ~~((and tø))~~;i expend ~~((such))~~ income
10 received from such properties in carrying out the purposes and
11 provisions of this chapter ~~((184, Laws of 1973 1st ex. sess.))~~; and
12 ~~((tø))~~ sell, lease, or otherwise dispose of any of its property or
13 interests therein in furtherance of the purposes and the provisions of
14 this chapter ~~((184, Laws of 1973 1st ex. sess.))~~;

15 ~~((6) Tø))~~ (f) Make available, on such terms, as it shall
16 prescribe, to land occupiers within the district, agricultural and
17 engineering machinery and equipment, fertilizer, seeds, seedlings, and
18 such other equipment and material as will assist them to carry on
19 operations upon their lands for the conservation of renewable natural
20 resources;

21 ~~((7) Tø))~~ (g) Prepare and keep current a comprehensive long-range
22 program recommending the conservation of all the renewable natural
23 resources of the district~~((. Such programs shall be directed toward
24 the best use of renewable natural resources and in a manner that will
25 best meet the needs of the district and the state, taking into
26 consideration, where appropriate, such uses as farming, grazing, timber
27 supply, forest, parks, outdoor recreation, potable water supplies for
28 urban and rural areas, water for agriculture, minimal flow, and
29 industrial uses, watershed stabilization, control of soil erosion,
30 retardation of water run-off, flood prevention and control, reservoirs
31 and other water storage, restriction of developments of flood plains,
32 protection of open space and scenery, preservation of natural beauty,
33 protection of fish and wildlife, preservation of wilderness areas and
34 wild rivers, the prevention or reduction of sedimentation and other
35 pollution in rivers and other waters, and such location of highways,
36 schools, housing developments, industries, airports and other
37 facilities and structures as will fit the needs of the state and be~~

1 consistent with the best uses of the renewable natural resources of the
2 state. The program shall include an inventory of all renewable natural
3 resources in the district, a compilation of current resource needs,
4 projections of future resource requirements, priorities for various
5 resource activities, projected timetables, descriptions of available
6 alternatives, and provisions for coordination with other resource
7 programs.

8 The district shall also prepare an annual work plan, which shall
9 describe the action programs, services, facilities, materials, working
10 arrangements and estimated funds needed to carry out the parts of the
11 long-range programs that are of the highest priorities.

12 The districts shall hold public hearings at appropriate times in
13 connection with the preparation of programs and plans, shall give
14 careful consideration to the views expressed and problems revealed in
15 hearings, and shall keep the public informed concerning their programs,
16 plans, and activities. Occupiers of land shall be invited to submit
17 proposals for consideration to such hearings. The districts may
18 supplement such hearings with meetings, referenda and other suitable
19 means to determine the wishes of interested parties and the general
20 public in regard to current and proposed plans and programs of a
21 district. They shall confer with public and private agencies,
22 individually and in groups, to give and obtain information and
23 understanding of the impact of district operations upon agriculture,
24 forestry, water supply and quality, flood control, particular
25 industries, commercial concerns and other public and private interests,
26 both rural and urban.

27 Each district shall submit to the commission its proposed long-
28 range program and annual work plans for review and comment.

29 The long-range renewable natural resource program, together with
30 the supplemental annual work plans, developed by each district under
31 the foregoing procedures shall have official status as the authorized
32 program of the district, and it shall be published by the districts as
33 its "renewable resources program". Copies shall be made available by
34 the districts to the appropriate counties, municipalities, special
35 purpose districts and state agencies, and shall be made available in
36 convenient places for examination by public land occupier or private

1 interest concerned. ~~Summaries of the program and selected material~~
2 ~~therefrom shall be distributed as widely as feasible for public~~
3 ~~information)) according to section 35 of this act;~~

4 ~~((8) To)) (h) Administer any project or program concerned with the~~
5 ~~conservation of renewable natural resources located within its~~
6 ~~boundaries that is undertaken by any federal, state, or other public~~
7 ~~agency by entering into a contract or other appropriate administrative~~
8 ~~arrangement with any agency administering such project or program;~~

9 ~~((9)) (i) Cooperate with other districts organized under this~~
10 ~~chapter ((184, Laws of 1973 1st ex. sess.)) in the exercise of any of~~
11 ~~its powers;~~

12 ~~((10) To)) (j) Accept donations, gifts, and contributions in~~
13 ~~money, services, materials, or otherwise, from the United States or any~~
14 ~~of its agencies, from this state or any of its agencies, or from any~~
15 ~~other source, and ((to)) use or expend such moneys, services,~~
16 ~~materials, or any contributions in carrying out the purposes of this~~
17 ~~chapter ((184, Laws 1973 1st ex. sess.)); and~~

18 ~~((11) To)) (k) Sue and be sued in the name of the district; ((to))~~
19 ~~have a seal which shall be judicially noticed; have perpetual~~
20 ~~succession unless terminated as ((hereinafter)) provided in this~~
21 ~~chapter; ((to)) make and execute contracts and other instruments,~~
22 ~~necessary or convenient to the exercise of its powers; ((to)) borrow~~
23 ~~money and ((to)) pledge, mortgage, and assign the income of the~~
24 ~~district and its real or personal property ((therefor)); and ((to))~~
25 ~~make((r)) and amend rules and regulations not inconsistent with this~~
26 ~~chapter ((184, Laws of 1973 1st ex. sess.)) and ((to)) carry into~~
27 ~~effect its purposes((r~~

28 ~~(12) Any two or more districts may engage in joint activities by~~
29 ~~agreement between or among them in planning, financing, constructing,~~
30 ~~operating, maintaining, and administering any program or project~~
31 ~~concerned with the conservation of renewable natural resources. The~~
32 ~~districts concerned may make available for purposes of the agreement~~
33 ~~any funds, property, personnel, equipment, or services available to~~
34 ~~them under chapter 184, Laws of 1973 1st ex. sess.;~~

35 ~~Any district may enter into such agreements with a district or~~
36 ~~districts in adjoining states to carry out such purposes if the law in~~

1 ~~such other states permits the districts in such states to enter into~~
2 ~~such agreements.~~

3 ~~The commission shall have authority to propose, guide, and~~
4 ~~facilitate the establishment and carrying out of any such agreement;~~

5 ~~(13) Every district shall, through public hearings, annual~~
6 ~~meetings, publications, or other means, keep the general public,~~
7 ~~agencies and occupiers of land within the district, informed of the~~
8 ~~works and activities planned and administered by the district, of the~~
9 ~~purposes these will serve, of the income and expenditures of the~~
10 ~~district, of the funds borrowed by the district and the purposes for~~
11 ~~which such funds are expended, and of the results achieved annually by~~
12 ~~the district; and~~

13 ~~(14) The supervisors of conservation districts may designate an~~
14 ~~area, state, and national association of conservation districts as a~~
15 ~~coordinating agency in the execution of the duties imposed by this~~
16 ~~chapter, and to make gifts in the form of dues, quotas, or otherwise to~~
17 ~~such associations for costs of services rendered, and may support and~~
18 ~~attend such meetings as may be required to promote and perfect the~~
19 ~~organization and to effect its purposes)).~~

20 NEW SECTION. Sec. 45. A new section is added to chapter 89.08 RCW
21 to read as follows:

22 A comprehensive long-range program recommending the conservation of
23 all the renewable natural resources of the district that is adopted as
24 authorized by RCW 89.08.220(2)(g) shall be directed toward the best use
25 of renewable natural resources and in a manner that will best meet the
26 needs of the district and the state, taking into consideration, where
27 appropriate, such uses as farming, grazing, timber supply, forests,
28 parks, outdoor recreation, potable water supplies for urban and rural
29 areas, water for agriculture, minimal flow, and industrial uses,
30 watershed stabilization, control of soil erosion, retardation of water
31 run-off, flood prevention and control, reservoirs and other water
32 storage, restriction of developments of flood plains, protection of
33 open space and scenery, preservation of natural beauty, protection of
34 fish and wildlife, preservation of wilderness areas and wild rivers,
35 the prevention or reduction of sedimentation and other pollution in
36 rivers and other waters, and such location of highways, schools,

1 housing developments, industries, airports, and other facilities and
2 structures as will fit the needs of the state and be consistent with
3 the best uses of the renewable natural resources of the state. The
4 program shall include an inventory of all renewable natural resources
5 in the district, a compilation of current resource needs, projections
6 of future resource requirements, priorities for various resource
7 activities, projected timetables, descriptions of available
8 alternatives, and provisions for coordination with other resource
9 programs.

10 The district shall also prepare an annual work plan, which shall
11 describe the action programs, services, facilities, materials, working
12 arrangements, and estimated funds needed to carry out the parts of the
13 long-range programs that are of the highest priorities.

14 The districts shall hold public hearings at appropriate times in
15 connection with the preparation of programs and plans, shall give
16 careful consideration to the views expressed and problems revealed in
17 hearings, and shall keep the public informed concerning their programs,
18 plans, and activities. Occupiers of land shall be invited to submit
19 proposals for consideration to such hearings. The districts may
20 supplement such hearings with meetings, referenda, and other suitable
21 means to determine the wishes of interested parties and the general
22 public in regard to current and proposed plans and programs of a
23 district. They shall confer with public and private agencies,
24 individually and in groups, to give and obtain information and
25 understanding of the impact of district operations upon agriculture,
26 forestry, water supply and quality, flood control, particular
27 industries, commercial concerns, and other public and private
28 interests, both rural and urban.

29 Each district shall submit to the commission its proposed long-
30 range program and annual work plans for review and comment.

31 The long-range renewable natural resource program, together with
32 the supplemental annual work plans, developed by each district under
33 the foregoing procedures shall have official status as the authorized
34 program of the district, and it shall be published by the districts as
35 its renewable resources program. Copies shall be made available by the
36 districts to the appropriate counties, municipalities, special purpose
37 districts, and state agencies, and shall be made available in

1 convenient places for examination by public land occupier or private
2 interest concerned. Summaries of the program and selected material
3 therefrom shall be distributed as widely as feasible for public
4 information.

5 NEW SECTION. **Sec. 46.** A new section is added to chapter 89.08 RCW
6 to read as follows:

7 (1) Any two or more districts may engage in joint activities by
8 agreement between or among them in planning, financing, constructing,
9 operating, maintaining, and administering any program or project
10 concerned with the conservation of renewable natural resources. The
11 districts concerned may make available for purposes of the agreement
12 any funds, property, personnel, equipment, or services available to
13 them under this chapter.

14 (2) Any district may enter into such agreements with a district or
15 districts in adjoining states to carry out such purposes if the law in
16 such other states permits the districts in such states to enter into
17 such agreements.

18 (3) The commission shall have authority to propose, guide, and
19 facilitate the establishment and carrying out of any agreement made
20 according to this section.

21 NEW SECTION. **Sec. 47.** A new section is added to chapter 89.08 RCW
22 to read as follows:

23 (1) Every district shall, through public hearings, annual meetings,
24 publications, or other means, keep the general public, agencies, and
25 occupiers of land within the district, informed of the works and
26 activities planned and administered by the district, of the purposes
27 these will serve, of the income and expenditures of the district, of
28 the funds borrowed by the district and the purposes for which such
29 funds are expended, and of the results achieved annually by the
30 district.

31 (2) Every district also shall provide to the commission the
32 information disseminated according to subsection (1) of this section.

33 NEW SECTION. **Sec. 48.** A new section is added to chapter 89.08 RCW
34 to read as follows:

1 The supervisors of conservation districts may designate an area,
2 state, and national association of conservation districts as a
3 coordinating agency in the execution of the duties imposed by this
4 chapter. The supervisors shall inform the commission of any such
5 designation. The supervisors of conservation districts may make gifts
6 in the form of dues, quotas, or otherwise to such associations for
7 costs of services rendered and may support and attend such meetings as
8 may be required to promote and perfect the organization and to effect
9 its purposes.

10 **Sec. 49.** RCW 89.08.341 and 1973 1st ex.s. c 184 s 24 are each
11 amended to read as follows:

12 (1) Any agency of the government of this state and any local
13 political subdivision of this state is hereby authorized to make such
14 arrangements with any district, through contract, regulation or other
15 appropriate means, wherever it believes that such arrangements will
16 promote administrative efficiency or economy.

17 (2) In connection with any (~~such~~) arrangements authorized under
18 subsection (1) of this section, any state or local agency or political
19 subdivision of this state is authorized, within the limits of funds
20 available to it, to contribute funds, equipment, property or services
21 to any district; and to collaborate with a district in jointly
22 planning, constructing, financing or operating any work or activity
23 provided for in such arrangements and in the joint acquisition,
24 maintenance and operation of equipment or facilities in connection
25 therewith.

26 (3) The commission and other state agencies, the districts, and
27 (~~other~~) local agencies are authorized to make available to each other
28 maps, reports and data in their possession that are useful in the
29 preparation of their respective programs and plans for resource
30 conservation. The districts shall keep the commission, other state
31 agencies, and local agencies fully informed (~~concerning~~) of the
32 status and progress of the preparation of their resource conservation
33 programs and plans.

34 (4) The state conservation commission and the counties of the state
35 may provide respective conservation districts such administrative funds

1 as will be necessary to carry out the purpose of this chapter ((184,
2 ~~Laws of 1973 1st ex. sess~~)).

3 **Sec. 50.** RCW 89.08.350 and 1999 c 305 s 9 are each amended to read
4 as follows:

5 (1) At any time after five years from the date of organization of
6 a district, twenty percent of the voters in the district may file with
7 the commission a petition(~~(7)~~) praying that the district be dissolved.

8 (2) The commission may hold public hearings (~~(thereon, and)~~) on a
9 petition filed according to this section. Within sixty days from
10 receipt of the petition, the commission shall give (~~(due)~~) notice of an
11 election on the question of dissolution. (~~(It)~~) The commission shall
12 provide appropriate ballots, conduct the election, canvass the returns,
13 and declare the results in the (~~(same)~~) manner (~~(as)~~) specified in this
14 chapter for elections to create a district.

15 (3) All district electors may vote at the election conducted
16 according to this section. No informality relating to the election
17 shall invalidate it if notice is substantially given and the election
18 is fairly conducted.

19 **Sec. 51.** RCW 89.08.360 and 1999 c 305 s 10 are each amended to
20 read as follows:

21 If a majority of the votes cast at the election are for
22 dissolution, the district shall be dissolved. Under such
23 circumstances, the commission shall enter an order dissolving the
24 district.

25 **Sec. 52.** RCW 89.08.370 and 1999 c 305 s 11 are each amended to
26 read as follows:

27 (1) If the district is ordered dissolved, the supervisors shall
28 (~~(forthwith)~~) promptly terminate the affairs of the district (~~(and)~~),
29 dispose of all district property at public auction, and (~~(pay)~~) use
30 the proceeds (~~(therefrom)~~) from the auction to pay any debts of the
31 district (~~(and)~~). Any remaining balance shall be paid to the state
32 treasurer.

33 (~~(They)~~) (2) After satisfying the requirements of subsection (1) of
34 this section, the supervisors shall then file a verified application

1 with the secretary of state for the dissolution of the district(~~(7)~~)
2 accompanied by a certificate of the commission reciting the
3 determination that further operation of the district is impracticable.
4 The application shall recite that:

5 (a) The property of the district has been disposed of(~~(7-that)~~);

6 (b) The proceeds (~~(therefrom)~~) from the property have been used to
7 pay any debts of the district; and

8 (c) Any remaining balance has been paid to the state treasurer,
9 (~~and contain~~) accompanied by a full accounting of the property and
10 proceeds. (~~Thereupon~~)

11 (3) Upon receiving the verified application and the certificate
12 required by subsection (2) of this section, the secretary shall issue
13 to the supervisors a certificate of dissolution and file a copy thereof
14 in his or her records.

15 (4) The supervisors also shall file the application required by
16 subsection (2) of this section with the commission.

17 **Sec. 53.** RCW 89.08.390 and 1939 c 187 s 17 are each amended to
18 read as follows:

19 Insofar as any of the provisions of this chapter are inconsistent
20 with the provisions of any other law, the provisions of this chapter
21 shall be controlling(~~(: PROVIDED, HOWEVER, That)~~). None of the
22 provisions of this chapter shall be construed so as to impair water
23 rights appurtenant to lands within or without the boundaries of any
24 district or districts organized (~~hereunder~~) according to this
25 chapter.

26 **Sec. 54.** RCW 89.08.391 and 1973 1st ex.s. c 184 s 30 are each
27 amended to read as follows:

28 Insofar as any of the provisions of this chapter are inconsistent
29 with the provisions of any other law, the provisions of this chapter
30 shall be controlling(~~(: PROVIDED, HOWEVER, That)~~). None of the
31 provisions of this chapter shall be construed so as to impair water
32 rights appurtenant to lands within or without the boundaries of any
33 district or districts organized (~~hereunder~~) according to this
34 chapter.

1 **Sec. 55.** RCW 89.08.400 and 1992 c 70 s 1 are each amended to read
2 as follows:

3 (1) Special assessments are authorized to be imposed for
4 conservation districts as provided in this section. Activities and
5 programs to conserve natural resources, including soil and water, are
6 declared to be of special benefit to lands and may be used as the basis
7 upon which special assessments are imposed.

8 (2)(a) Special assessments to finance the activities of a
9 conservation district may be imposed by the county legislative
10 authority of the county in which the conservation district is located
11 for a period or periods each not to exceed ten years in duration.

12 (b) The supervisors of a conservation district shall hold a public
13 hearing on a proposed system of assessments prior to the first day of
14 August in the year prior to which it is proposed that the initial
15 special assessments be collected. At that public hearing, the
16 supervisors shall gather information and shall alter the proposed
17 system of assessments when appropriate, including the number of years
18 during which it is proposed that the special assessments be imposed.

19 (c) On or before the first day of August in that year, the
20 supervisors of a conservation district shall file the proposed system
21 of assessments, indicating the years during which it is proposed that
22 the special assessments shall be imposed, and a proposed budget for the
23 succeeding year with the county legislative authority of the county
24 within which the conservation district is located and with the
25 commission. The county legislative authority shall hold a public
26 hearing on the proposed system of assessments. After the hearing, the
27 county legislative authority may accept, or modify and accept, the
28 proposed system of assessments, including the number of years during
29 which the special assessments shall be imposed, if it finds that both
30 the public interest will be served by the imposition of the special
31 assessments and that the special assessments to be imposed on any land
32 will not exceed the special benefit that the land receives or will
33 receive from the activities of the conservation district.

34 (d) The findings of the county legislative authority shall be final
35 and conclusive.

36 (e) Special assessments may be altered during this period on

1 individual parcels in accordance with the system of assessments if land
2 is divided or land uses or other factors change.

3 (f) Notice of the public hearings held by the supervisors and the
4 county legislative authority shall be posted conspicuously in at least
5 five places throughout the conservation district((7)) and published
6 once a week for two consecutive weeks in a newspaper in general
7 circulation throughout the conservation district, with the date of the
8 last publication at least five days prior to the public hearing.

9 (3) A system of assessments shall classify lands in the
10 conservation district into suitable classifications according to
11 benefits conferred or to be conferred by the activities of the
12 conservation district, determine an annual per acre rate of assessment
13 for each classification of land, and indicate the total amount of
14 special assessments proposed to be obtained from each classification of
15 lands. Lands deemed not to receive benefit from the activities of the
16 conservation district shall be placed into a separate classification
17 and shall not be subject to the special assessments. An annual
18 assessment rate shall be stated as either uniform annual per acre
19 amount, or an annual flat rate per parcel plus a uniform annual rate
20 per acre amount, for each classification of land. The maximum annual
21 per acre special assessment rate shall not exceed ten cents per acre.
22 The maximum annual per parcel rate shall not exceed five dollars.

23 (4) Public land, including lands owned or held by the state, shall
24 be subject to special assessments to the same extent as privately owned
25 lands. The procedures provided in chapter 79.44 RCW shall be followed
26 if lands owned or held by the state are subject to the special
27 assessments of a conservation district.

28 (5) Forest lands used solely for the planting, growing, or
29 harvesting of trees may be subject to special assessments if such lands
30 benefit from the activities of the conservation district, but the per
31 acre rate of special assessment on benefited forest lands shall not
32 exceed one-tenth of the weighted average per acre assessment on all
33 other lands within the conservation district that are subject to its
34 special assessments. The calculation of the weighted average per acre
35 special assessment shall be a ratio calculated as follows: (a) The
36 numerator shall be the total amount of money estimated to be derived
37 from the imposition of per acre special assessments on the nonforest

1 lands in the conservation district; and (b) the denominator shall be
2 the total number of nonforest land acres in the conservation district
3 that receive benefit from the activities of the conservation district
4 and which are subject to the special assessments of the conservation
5 district. No more than ten thousand acres of such forest lands that is
6 both owned by the same person or entity and is located in the same
7 conservation district may be subject to the special assessments that
8 are imposed for that conservation district in any year. Per parcel
9 charges shall not be imposed on forest land parcels. However, in lieu
10 of a per parcel charge, a charge of up to three dollars per forest
11 landowner may be imposed on each owner of forest lands whose forest
12 lands are subject to a per acre rate of assessment.

13 ~~((4))~~ (6) A conservation district shall prepare an assessment
14 roll that implements the system of assessments approved by the county
15 legislative authority. The special assessments from the assessment
16 roll shall be spread by the county assessor as a separate item on the
17 tax rolls and shall be collected and accounted for with property taxes
18 by the county treasurer. The amount of a special assessment shall
19 constitute a lien against the land that shall be subject to the same
20 conditions as a tax lien, collected by the treasurer in the same manner
21 as delinquent real property taxes, and subject to the same interest
22 rate and penalty as for delinquent property taxes. The county
23 treasurer shall deduct an amount from the collected special
24 assessments, as established by the county legislative authority, to
25 cover the costs incurred by the county assessor and county treasurer in
26 spreading and collecting the special assessments, but not to exceed the
27 actual costs of such work.

28 ~~((5))~~ (7) The special assessments for a conservation district
29 shall not be spread on the tax rolls and shall not be collected with
30 property tax collections in the following year if, after the system of
31 assessments has been approved by the county legislative authority but
32 prior to the fifteenth day of December in that year, a petition has
33 been filed with the county legislative authority objecting to the
34 imposition of such special assessments, which petition has been signed
35 by at least twenty percent of the owners of land that would be subject
36 to the special assessments to be imposed for a conservation district.

1 **Sec. 56.** RCW 89.08.410 and 1989 c 18 s 2 are each amended to read
2 as follows:

3 (1) The (~~state conservation~~) commission may authorize grants to
4 conservation districts from moneys appropriated to the commission for
5 such purposes as provided in this section. (~~Such~~) The grants shall
6 be made annually on or before the last day of June of each year and
7 shall be made only to those conservation districts that apply for the
8 grants. After all the grant requests have been submitted, the initial
9 grants in any year shall be made so that a conservation district shall
10 not receive a grant in excess of the lesser of: (~~(+1)~~) (a) An amount
11 equal to the total moneys obtained by the conservation district from
12 all other sources, other than any grants obtained from the state,
13 during the preceding calendar year; or (~~(+2)~~) (b) twenty-two thousand
14 five hundred dollars. If the appropriated moneys are insufficient to
15 make the maximum level of the initial grants, each grant amount shall
16 be reduced by an equal dollar amount until the total amount of the
17 grants is equal to the amount of the appropriation.

18 However, further grants shall be made to those conservation
19 districts that were limited to grants of twenty-two thousand five
20 hundred dollars if the appropriated moneys are in excess of the amount
21 of the initial distribution of grants, but the total of both grants to
22 any conservation district in any year shall not exceed an amount equal
23 to the total moneys obtained by that conservation district from all
24 other sources, other than any grants obtained from the state, during
25 the preceding calendar year. If the appropriated moneys are
26 insufficient to make the second distribution of grants, each grant
27 under the second distribution shall be reduced by an equal dollar
28 amount until the total amount of all the grants is equal to the amount
29 of the appropriation.

30 (2) At the request of the legislature, the commission shall provide
31 a report to the appropriate committees of the legislature describing
32 the grants made according to this section.

33 **Sec. 57.** RCW 89.08.440 and 1997 c 295 s 3 are each amended to read
34 as follows:

35 (1) For the purpose of identifying property that may qualify for
36 the exemption provided under RCW 84.36.255, each conservation district

1 shall develop and maintain a list of best management practices that
2 qualify for the exemption. The districts shall submit these lists of
3 best management practices to the commission.

4 (2) Each conservation district shall ensure that the appropriate
5 forms approved by the department of revenue are made available to
6 property owners who may qualify for the exemption under RCW 84.36.255
7 and shall certify claims for exemption as provided in RCW 84.36.255(3).

8 **Sec. 58.** RCW 35.63.230 and 1998 c 249 s 5 are each amended to read
9 as follows:

10 A permit required under this chapter for a watershed restoration
11 project as defined in RCW 89.08.460 (as recodified by this act) shall
12 be processed in compliance with RCW 89.08.450 through 89.08.510 (as
13 recodified by this act). A fish habitat enhancement project meeting
14 the criteria of RCW ((~~75.20.350~~)) 77.55.290(1) shall be reviewed and
15 approved according to the provisions of RCW ((~~75.20.350~~)) 77.55.290.

16 **Sec. 59.** RCW 35A.63.250 and 1998 c 249 s 6 are each amended to
17 read as follows:

18 A permit required under this chapter for a watershed restoration
19 project as defined in RCW 89.08.460 (as recodified by this act) shall
20 be processed in compliance with RCW 89.08.450 through 89.08.510 (as
21 recodified by this act). A fish habitat enhancement project meeting
22 the criteria of RCW ((~~75.20.350~~)) 77.55.290(1) shall be reviewed and
23 approved according to the provisions of RCW ((~~75.20.350~~)) 77.55.290.

24 **Sec. 60.** RCW 36.70.992 and 1998 c 249 s 7 are each amended to read
25 as follows:

26 A permit required under this chapter for a watershed restoration
27 project as defined in RCW 89.08.460 (as recodified by this act) shall
28 be processed in compliance with RCW 89.08.450 through 89.08.510 (as
29 recodified by this act). A fish habitat enhancement project meeting
30 the criteria of RCW ((~~75.20.350~~)) 77.55.290(1) shall be reviewed and
31 approved according to the provisions of RCW ((~~75.20.350~~)) 77.55.290.

32 **Sec. 61.** RCW 36.70A.460 and 1998 c 249 s 11 are each amended to
33 read as follows:

1 A permit required under this chapter for a watershed restoration
2 project as defined in RCW 89.08.460 (as recodified by this act) shall
3 be processed in compliance with RCW 89.08.450 through 89.08.510 (as
4 recodified by this act). A fish habitat enhancement project meeting
5 the criteria of RCW ((~~75.20.350~~)) 77.55.290(1) shall be reviewed and
6 approved according to the provisions of RCW ((~~75.20.350~~)) 77.55.290.

7 **Sec. 62.** RCW 43.21C.0382 and 1998 c 249 s 12 are each amended to
8 read as follows:

9 Decisions pertaining to watershed restoration projects as defined
10 in RCW 89.08.460 (as recodified by this act) are not subject to the
11 requirements of RCW 43.21C.030(2)(c). Decisions pertaining to fish
12 habitat enhancement projects meeting the criteria of RCW ((~~75.20.350~~))
13 77.55.290(1) and being reviewed and approved according to the
14 provisions of RCW ((~~75.20.350~~)) 77.55.290 are not subject to the
15 requirements of RCW 43.21C.030(2)(c).

16 **Sec. 63.** RCW 43.30.410 and 1995 c 378 s 13 are each amended to
17 read as follows:

18 A permit required by the department for a watershed restoration
19 project as defined in RCW 89.08.460 (as recodified by this act) shall
20 be processed in compliance with RCW 89.08.450 through 89.08.510 (as
21 recodified by this act).

22 **Sec. 64.** RCW 77.55.210 and 1995 c 378 s 14 are each amended to
23 read as follows:

24 A hydraulic project approval required by the department for a
25 watershed restoration project as defined in RCW 89.08.460 (as
26 recodified by this act) shall be processed in compliance with RCW
27 89.08.450 through 89.08.510 (as recodified by this act).

28 **Sec. 65.** RCW 90.48.430 and 1995 c 378 s 15 are each amended to
29 read as follows:

30 A permit, certification, or other approval required by the
31 department for a watershed restoration project as defined in RCW
32 89.08.460 (as recodified by this act) shall be processed in compliance

1 with RCW 89.08.450 through 89.08.510 (as recodified by this act).
2 Public review of proposed watershed restoration projects may be
3 shortened or waived by the department.

4 **Sec. 66.** RCW 90.58.515 and 1995 c 378 s 16 are each amended to
5 read as follows:

6 Watershed restoration projects as defined in RCW 89.08.460 (as
7 recodified by this act) are exempt from the requirement to obtain a
8 substantial development permit. Local government shall review the
9 projects for consistency with the locally adopted shoreline master
10 program in an expeditious manner and shall issue its decision along
11 with any conditions within forty-five days of receiving a complete
12 consolidated application form from the applicant. No fee may be
13 charged for accepting and processing applications for watershed
14 restoration projects as used in this section.

15 **Sec. 67.** RCW 90.71.020 and 1998 c 246 s 14 are each amended to
16 read as follows:

17 (1) The Puget Sound action team is created. The action team shall
18 consist of: The directors of the departments of ecology; agriculture;
19 natural resources; fish and wildlife; and community, trade, and
20 economic development; the secretaries of the departments of health and
21 transportation; the director of the parks and recreation commission;
22 the director of the interagency committee for outdoor recreation; the
23 administrative officer of the conservation commission designated in RCW
24 89.08.050 (as recodified by this act); one person representing cities,
25 appointed by the governor; one person representing counties, appointed
26 by the governor; one person representing federally recognized tribes,
27 appointed by the governor; and the chair of the action team. The
28 action team shall also include the following ex officio nonvoting
29 members: The regional director of the United States environmental
30 protection agency; the regional administrator of the national marine
31 fisheries service; and the regional supervisor of the United States
32 fish and wildlife service. The members representing cities and
33 counties shall each be reimbursed for travel expenses as provided in
34 RCW 43.03.050 and 43.03.060.

35 (2) The action team shall:

- 1 (a) Prepare a Puget Sound work plan and budget for inclusion in the
2 governor's biennial budget;
- 3 (b) Coordinate monitoring and research programs as provided in RCW
4 90.71.060;
- 5 (c) Work under the direction of the action team chair as provided
6 in RCW 90.71.040;
- 7 (d) Coordinate permitting requirements as necessary to expedite
8 permit issuance for any local watershed plan developed pursuant to
9 rules adopted under this chapter;
- 10 (e) Identify and resolve any policy or rule conflicts that may
11 exist between one or more agencies represented on the action team;
- 12 (f) Periodically amend the Puget Sound management plan;
- 13 (g) Enter into, amend, and terminate contracts with individuals,
14 corporations, or research institutions for the purposes of this
15 chapter;
- 16 (h) Receive such gifts, grants, and endowments, in trust or
17 otherwise, for the use and benefit of the purposes of the action team.
18 The action team may expend the same or any income therefrom according
19 to the terms of the gifts, grants, or endowments;
- 20 (i) Promote extensive public participation, and otherwise seek to
21 broadly disseminate information concerning Puget Sound;
- 22 (j) Receive and expend funding from other public agencies;
- 23 (k) To reduce costs and improve efficiency, review by December 1,
24 1996, all requirements for reports and documentation from state
25 agencies and local governments specified in the plan for the purpose of
26 eliminating and consolidating reporting requirements; and
- 27 (l) Beginning in December 1998, and every two years thereafter,
28 submit a report to the appropriate policy and fiscal committees of the
29 legislature that describes and evaluates the successes and shortcomings
30 of the current work plan relative to the priority problems identified
31 for each geographic area of Puget Sound.
- 32 (3) By July 1, 1996, the action team shall begin developing its
33 initial work plan, which shall include the coordination of necessary
34 support staff.
- 35 (4) The action team shall incorporate, to the maximum extent
36 possible, the recommendations of the council regarding amendments to
37 the Puget Sound management plan and the work plan.

1 (5) All proceedings of the action team are subject to the open
2 public meetings act under chapter 42.30 RCW.

3 NEW SECTION. **Sec. 68.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 69.** This act does not affect any existing right
8 acquired or liability or obligation incurred under the sections amended
9 in this act or under any rule or order adopted under those sections,
10 nor does it affect any proceeding instituted under those sections.

11 NEW SECTION. **Sec. 70.** The following sections are each recodified
12 as sections in the new chapter created in section 71 of this act:
13 RCW89.08.030, 89.08.040, 89.08.050, 89.08.060, 89.08.070, 89.08.450,
14 89.08.460, 89.08.470, 89.08.480, 89.08.490, 89.08.500, 89.08.510,
15 89.08.520, 89.08.530, and 89.08.540.

16 NEW SECTION. **Sec. 71.** Section 1 of this act constitutes a new
17 chapter in Title 43 RCW."

EHB 2140 - S COMM AMD
By Committee on Agriculture

ADOPTED 4/9/03

18 On page 1, line 2 of the title, after "commission;" strike the
19 remainder of the title and insert "amending RCW 89.08.030, 89.08.040,
20 89.08.050, 89.08.060, 89.08.070, 89.08.450, 89.08.460, 89.08.470,
21 89.08.480, 89.08.490, 89.08.500, 89.08.510, 89.08.520, 89.08.530,
22 89.08.540, 89.08.010, 89.08.020, 89.08.080, 89.08.090, 89.08.100,
23 89.08.110, 89.08.120, 89.08.130, 89.08.140, 89.08.150, 89.08.160,
24 89.08.170, 89.08.180, 89.08.185, 89.08.190, 89.08.200, 89.08.210,
25 89.08.215, 89.08.220, 89.08.341, 89.08.350, 89.08.360, 89.08.370,
26 89.08.390, 89.08.391, 89.08.400, 89.08.410, 89.08.440, 35.63.230,

1 35A.63.250, 36.70.992, 36.70A.460, 43.21C.0382, 43.30.410, 77.55.210,
2 90.48.430, 90.58.515, and 90.71.020; adding new sections to chapter
3 89.08 RCW; adding a new chapter to Title 43 RCW; creating a new
4 section; and recodifying 89.08.030, 89.08.040, 89.08.050, 89.08.060,
5 89.08.070, 89.08.450, 89.08.460, 89.08.470, 89.08.480, 89.08.490,
6 89.08.500, 89.08.510, 89.08.520, 89.08.530, and 89.08.540."

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